

# HOUSE BILL No. 1133

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-1-22.

**Synopsis:** Report of gifts made to local officers. Requires a local elected official to file annual statements of any gifts with a fair market value of at least \$100 given to the elected official or a member of the elected official's immediate family from persons who have or are seeking a business relationship with an agency of the political subdivision the elected official serves. Provides civil penalties for failure to file a statement or for filing inaccurate statements.

**Effective:** July 1, 2014.

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## VanDenburgh

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January 9, 2014, read first time and referred to Committee on Government and Regulatory Reform.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1133

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 36-1-22 IS ADDED TO THE INDIANA CODE AS  
2       A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3       1, 2014]:

4       **Chapter 22. Reporting of Certain Gifts by Local Government**  
5       **Officers**

6       **Sec. 1. As used in this chapter, "agency" refers to an authority,**  
7       **a board, a branch, a bureau, a commission, a committee, a council,**  
8       **a department, a division, an office, a service, or other**  
9       **instrumentality of a political subdivision. The term includes a body**  
10      **corporate and politic set up as an instrumentality of a political**  
11      **subdivision and a private, nonprofit, government related**  
12      **corporation.**

13      **Sec. 2. As used in this chapter, "business relationship" means**  
14      **the dealings of a person with an agency seeking, obtaining,**  
15      **establishing, maintaining, or implementing contracts or purchases**  
16      **with an agency.**



1       **Sec. 3.** As used in this chapter, "filer" refers to an individual  
2 who files a statement under section 9 of this chapter.

3       **Sec. 4. (a)** As used in this chapter, "gift" means anything of  
4 value voluntarily transferred, and without consideration.

5       **(b)** The term does not include a contribution (as defined in  
6 IC 3-5-2-15).

7       **Sec. 5.** As used in this chapter, "immediate family" includes  
8 only the following:

9       **(1)** An individual's spouse residing in the individual's  
10 household.

11       **(2)** An individual's dependent children.

12       **Sec. 6.** As used in this chapter, "interested person" refers to a  
13 person who has or is seeking a business relationship with an agency  
14 of the political subdivision that a local officer serves.

15       **Sec. 7. (a)** As used in this chapter, "local officer" refers to an  
16 individual who holds:

17       **(1)** a local office (as defined in IC 3-5-2-29); or

18       **(2)** a school board office (as defined in IC 3-5-2-45).

19       **(b)** The term does not include any of the following:

20       **(1)** A judge of a circuit court.

21       **(2)** A judge of a superior court.

22       **(3)** A judge of a county court.

23       **(4)** A judge of a probate court.

24       **(5)** A prosecuting attorney.

25       **Sec. 8.** As used in this chapter, "statement" refers to a statement  
26 of gifts required by section 9 of this chapter.

27       **Sec. 9. (a)** A local officer shall file a written statement of gifts.

28       **(b)** A statement shall be filed with the county election board of  
29 the county in which the local officer's political subdivision is  
30 located not later than the date that a report is required to be filed  
31 by a candidate's committee under IC 3-9-5-10.

32       **(c)** A statement must be made under affirmation.

33       **(d)** The statement must set forth the following information for  
34 the previous calendar year:

35       **(1)** A description of each gift:

36       **(A)** received by the local officer or a member of the local  
37 officer's immediate family;

38       **(B)** from an interested person; and

39       **(C)** that has a fair market value of at least one hundred  
40 dollars (\$100).

41       **(2)** The name of the person who gave the gift.

42       **(3)** The address of the person who gave the gift from which



the person conducts the person's business.

(4) The estimated fair market value of the gift.

(5) The date the gift was accepted by the local officer or member of the local officer's immediate family.

(e) If a filer and all members of the filer's immediate family did not receive a gift that must be included on a statement, the filer shall report "No gifts received.".

(f) A filer may file an amended statement upon discovery of additional information required to be reported.

(g) The county election board shall keep statements filed under this chapter with reports filed under IC 3-9-5-10 by the filer's candidate's committee.

**Sec. 10.** The state board of accounts shall prescribe the form of the statement.

**Sec. 11. (a)** The state board of accounts may impose a civil penalty on an individual who:

(1) fails to file a statement required by section 9 of this chapter in a timely manner; or

(2) files a deficient statement under this chapter.

(b) The civil penalty is ten dollars (\$10) for each day a statement remains delinquent or deficient. The maximum penalty under this subsection is one thousand dollars (\$1,000).

**Sec. 12.** A person who intentionally or knowingly files a false statement commits a Class A infraction.

**Sec. 13.** All civil penalties paid under this chapter by a local officer shall be deposited in the general fund of the political subdivision of the local officer whose act or omission is the basis for the civil penalty imposed under this chapter.

**Sec. 14. (a)** The first statements to be filed under this chapter shall be filed not later than January 21, 2015, and cover the period from July 1, 2014, through December 31, 2014.

(b) This section expires July 1, 2016.

